

REMARKS

In the final Office Action mailed December 1, 2007, the Examiner noted that claims 1-5 and 10-12 were pending and rejected claims 1-5 and 10-12. Claims 1, 5 and 10-12 have been amended, no claims have been canceled, new claim 13 has been added and, thus, in view of the forgoing claims 1-5 and 10-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 1, 2, 5 and 10-12 stand rejected under 35 U.S.C. § 103(a) as obvious over Mullaney, U.S. Patent Pub. No. 2001/0037283 in view of Miglautsch, U.S. Patent No. 6,993,489 and Perri, U.S. Patent Pub. No. 2001/0020231.

Mullaney is directed to a system and method of allowing members of a marketing community to refer their clients to other members of the marketing community. The Examiner states that paragraphs 0027-0030 of Mullaney teach "transmitting, to a first terminal at an existing customer of a business, a first e-mail requesting an introduction of a new customer-to-be for the business to acquire new customers through a Web site, based on information on the existing customer registered in a first file," as in claim 1. There is nothing in referenced paragraphs of Mullaney that teaches transmitting an email for the solicitation of a new customer. While the paragraphs discuss a viral referral system, they teach of receiving the email address through a web site or in person. Paragraph 0029 states in part "a viral referral system may involve asking a visitor of a business (**actual or virtual via the Web**) for data (usually e-mail addresses, etc.) of their friends and associates so that they can then be solicited to purchase products and/or services offered by the business." [Emphasis added] See additionally Mullaney Fig. 4, the inputting of email on a web site. While the reference as cited discloses sending out email solicitations (the second e-mail of claim 1), it is clear that gathering the email addresses is in person ("actual") or through a web site ("via the Web"). Mullaney, therefore does not teach or suggest "transmitting, to a first terminal at an existing customer of a business, a first e-mail requesting an introduction of a new customer-to-be," as in claim 1.

Further, as paragraphs 0027-0030 of Mullaney do not teach or suggest sending the first email solicitation for gathering email addresses, it does not teach or suggest "transmitting a third e-mail requesting an introduction of another new customer-to-be for the business to the second terminal when identifying the new customer as another existing customer after checking the third file," as in claim 1.

Perri is directed to a web based consumer referral system. Perri paragraph 0073 states:

Once the **member registration process is complete** and the information has been submitted through the member registration module 100, the member 110 may have an account with the system provider so that the member 110 may participate in other system features. The **new member's information may be stored in the registration database** 155 illustrated in Figure 3. As was previously discussed, the information may be stored in a single database or multiple databases. Membership data may be divided into three categories. Figures 6, 8 and 9 illustrate sample member records having required data, sponsor identifier data and non-required data respectively. [Emphasis added]

Paragraph 0073, therefore discusses a new member registering and having the data stored to a database. It therefore does not teach or suggest a registration of an existing customer. Thus, Perri does not teach or suggest “**registering** the information on **the existing customer** to a second file when receiving an **application from the existing customer**,” (emphasis added) as in claim 1.

Claims 1, 5 and 10-12 have been amended. Amended claim recites “the identified new customer being required to purchase products of the business prior to transmitting the third email,” as in claim 1. Support for such an amendment is found at page 9 line 23 through page 10 line 5 of the Application. The amendment clarifying that the potential customer must become an actual customer before he or she is solicited to provide a name of another potential customer.

Claim 5 is a computer readable medium claim that corresponds to method claim 1.

For at least the reasons stated above, Mullaney, Miglautsch and Perri taken separately or in combination fail to teach the elements of claims 1 and 5 or the claims dependent therefrom.

Further, as argued above, paragraphs 0027-0030 of Mullaney do not teach or suggest the feature of sending the first email solicitation for gathering email addresses. Thus, Mullaney does not teach or suggest “transmitting a first e-mail requesting an introduction of a new customer to a terminal of an existing customer based on registered information on the existing customer,” as in claim 10, “receiving information of a potential customer from an existing customer in response to a first e-mail sent to the existing customer,” as in claim 11, and “requesting data of a potential customer from an existing customer using a first e-mail and sending a second e-mail responsive to receipt of requested data from the existing customer,” as in claim 12.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as obvious over Mullaney in view of Miglautsch and Perri in further view of Huang U.S. Patent Pub. No. 2001/0097361. Haung adds nothing to Mullaney, Miglautsch and Perri as regards the features discussed above. Therefore, Mullaney, Miglautsch, Perri and Haung taken separately or in combination fail to teach the elements of claim 3.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as obvious over Mullaney in view of Miglautsch and Perri in further view of Hare U.S. Patent Pub. No. 20020046053. Hare adds nothing to Mullaney, Miglautsch and Perri as regards the features discussed above. Therefore, Mullaney, Miglautsch, Perri and Hare taken separately or in combination fail to teach the elements of claim 4.

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 13 is new. Support for claim 13 is found in claim 10 and is also found at page 9 line 23 through page 10 line 5 of the Application. The prior art failing to teach or suggest that a purchase is made and then a potential customer becomes a new customer of whom a solicitation of additional potential customers is made.

SUMMARY

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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